

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE JOHN DENNY,

Defendant.

CR 13-115-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Bruce John Denny (Denny) has been accused of violating the conditions of his supervised release. Denny admitted alleged violation 1. The Court dismissed alleged violation 2 on the government's motion. Denny's supervised release should be revoked. Denny should be placed in custody for 12 months and 1 day, with no supervised release to follow.

II. Status

Denny pleaded guilty to Abusive Sexual Contact on May 27, 2014. (Doc. 46). The Court sentenced Denny to a term of custody of 12 months and 1 day, followed by 5 years of supervised release. (Doc. 61).

Petition

The United States Probation Office filed a Petition on August 12, 2021, 2020, requesting that the Court revoke Denny's supervised release. (Doc. 148). The Petition alleged that Denny had violated the conditions of his supervised release: 1) by using methamphetamine; and 2) by failing to report for sex offender treatment.

Initial appearance

Denny appeared before the undersigned for his initial appearance on the Petition on September 28, 2021. Denny was represented by counsel. Denny stated that he had read the petition and that he understood the allegations. Denny waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on September 28, 2021. Denny admitted that he had violated the conditions of his supervised release by using methamphetamine. The Court dismissed alleged violation 2 on the government's motion. The violation that Denny admitted is serious and warrants revocation of his supervised release.

Denny's violation is a Grade C violation. Denny's criminal history category

is I. Denny's underlying offense is a Class E felony. Denny could be incarcerated for up to 12 months. Denny could be ordered to remain on supervised release for up to 5 years, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Denny's supervised release should be revoked. Denny should be incarcerated for 12 months and 1 day, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Denny that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Denny of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Denny that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS:**

That Bruce John Denny violated the conditions of his supervised release by using methamphetamine.

The Court **RECOMMENDS:**

That the District Court revoke Denny's supervised release and commit Denny to the custody of the United States Bureau of Prisons for 12 months and 1 day, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 29th day of September, 2021.


John Johnston
United States Magistrate Judge